

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

MR. TIMOTHY HINES,)
Plaintiff,)
)
v.) **JUDGMENT**
)
)
CORRECT CARE SOLUTIONS, LLC,)
BRANDI BURNETTE, JAMES PEACE,)
EDWARD J. McMAHON, *individually*)
and in his official capacity as sheriff of)
New Hanover County, North Carolina,)
CAPTAIN MARTY ADAMS, *individually*)
and in his official capacity as Captain)
and Detention Division Commander,)
New Hanover County Sheriff's)
Department, NEW HANOVER COUNTY,)
NORTH CAROLINA, GEORGE BENYA,)
individually and in his official capacity)
as Deputy United States Marshal,)
UNITED STATES OF AMERICA,)
Defendants.)
No. 7:10-CV-250-BO

Decision by Court.

This action came before the Honorable Terrence W. Boyle, United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court's order dated May 24, 2011, the court **ALLOWS** the Plaintiff's Motion to Dismiss pursuant to Fed.R.Civ.P. 41(a)(2). Count One of Plaintiff's complaint, the FTCA Claim, is **DISMISSED WITHOUT PREJUDICE**. Defendant United States' Motion to Dismiss is **DENIED AS MOOT**. Pursuant to the court's order dated February 6, 2012, Defendant Benya's Motion to Dismiss is **GRANTED**, Defendants' CCS, Burnette, and Pence's Motion to Dismiss Plaintiff's medical malpractice claim is **GRANTED**, and Defendants' CCS, Burnette, Pence, McMahon, Adams and New Hanover County's Motion to Dismiss are **DENIED**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants McMahon, Adams and New Hanover County's motion for summary judgment are GRANTED and defendants Correct Care Solutions, LLC, Burnette, and Pence's motion for summary judgment is GRANTED. The clerk is DIRECTED to enter judgment accordingly.

This Judgment Filed and Entered on March 4, 2013, and Copies To:

Seth Allen Neyhart (via CM/ECF Notice of Electronic Filing)
Jennifer B. Milak (via CM/ECF Notice of Electronic Filing)
Julie B. Bradburn (via CM/ECF Notice of Electronic Filing)
Bradley Owen Wood (via CM/ECF Notice of Electronic Filing)
Sharon C. Wilson (via CM/ECF Notice of Electronic Filing)

DATE
March 4, 2013

JULIE A. RICHARDS, CLERK
/s/ Susan K. Edwards
(By) Susan K. Edwards, Deputy Clerk